

ENTERED

January 23, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TIMOTHY KLINK,	§	CIVIL ACTION NO.
individually and on behalf	§	19-cv-01583
of all others similarly	§	
situated,	§	
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
CENIKOR	§	
FOUNDATION,	§	
Defendant.	§	

ORDER DENYING RECONSIDERATION

Before the Court is a motion by Defendant Cenikor Foundation for reconsideration of this Court's order of December 18, 2020 denying consolidation. Dkt 54. The motion indicates no opposition. But plaintiffs in at least one related case oppose reconsideration and filed a response. Dkt 55, regarding *Aleem et al v Cenikor Foundation*, 4:19-cv-3032 (SD Tex).

Requests to reconsider interlocutory orders fall under Rule 54(b). *Austin v Kroger Texas LP*, 864 F3d 326, 336 (5th Cir 2017). Under Rule 54(b), the district court may reconsider and revise its decision for any reason deemed sufficient, and this is so even in the absence of new evidence or an intervening change in or clarification of the substantive law. *Ibid* (citations omitted). Such approach reflects the "inherent power of the rendering district court to afford such relief from interlocutory judgments as justice requires." *Id* at 337, quoting *Cobell v Jewell*, 802 F3d 12, 25–26 (DC Cir 2015).

The Court is unconvinced that justice requires granting reconsideration. The motion brings nothing new to the Court's attention. It simply expresses disagreement with the underlying order. That is insufficient.

Cenikor does direct the Court's attention to motions it has filed in the related cases to transfer them to this Court. Dkt 54 at 1-2. Those motions will be resolved on their own merits. That is entirely distinct from reconsideration of an order on a prior motion to this Court.


This Court has already found that consolidation "would more likely increase cost and delay, rather than avoid it." Dkt 50 at 2. That Cenikor seeks to transfer the other cases to this Court, further delaying litigation on the merits, does not change the Court's opinion.

The Court cautions Cenikor to confer in good faith on any motion in the future and to accurately represent the state of opposition.

The Court DENIES the motion.

SO ORDERED.

Signed on January 23, 2020 at Houston, Texas.

A handwritten signature in black ink, appearing to read "C. Eskridge", written over a horizontal line.

Hon. Charles Eskridge
United States District Judge